

JASPER W. BAILEY, G-60744,)	No. C 15-0677 CRB (PR)
Petitioner,)	
)	(9th Cir. No. 15-16081)
vs.)	
)	ORDER REGARDING
STU SHERMAN, Warden,)	REQUEST FOR THE
)	REPORTER’S TRANSCRIPT
Respondent.)	
)	(Dkt. #40)

The court nonetheless will construe petitioner’s request as a request for documents to comprise the excerpts of record on appeal. Although Circuit 30-1.2 provides that appellants and appellees proceeding without counsel need not file excerpts of record on appeal, Circuit 30-3 provides that in cases involving appeals by prisoners proceeding without counsel, “the clerk of the district court shall, within 21 days from the receipt of the prisoner’s written request, forward to the prisoner copies of the documents to comprise the excerpts of record.”


1 But “the documents to comprise the excerpts of record” on appeal do not
2 include every document filed in the district court. Circuit Rule 30-1.4 sets out the
3 documents that generally shall be included in the excerpts of record.

4 Pursuant to Circuit Rules 30-1.4 and 30-3, the clerk is instructed to
5 forward to petitioner, within seven days of this order, copies of the following
6 documents: (1) docket sheet; (2) order of dismissal (dkt. #20); (3) clerk’s
7 judgment (dkt. #21); (4) notice of appeal (dkt. #32); and (5) order denying
8 certificate of appealability (dkt. #35). Cf. 9th Cir. R. 30-1.5 (excerpts of record
9 generally shall not include briefs or memoranda of law filed in district court).

10 The clerk is instructed to serve a copy of this order on the parties and on
11 the Ninth Circuit.

12 SO ORDERED.

13 DATED: Oct. 20, 2015

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15 CHARLES R. BREYER
16 United States District Judge
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